

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

LABORERS' LOCAL UNION NOS. 472
& 172, et al.,

Petitioners,

v.

TRADEWINDS CONSTRUCTION, INC.,

Respondent.

Civil Action No. 17-7921 (MAS) (TJB)

MEMORANDUM ORDER

This matter comes before the Court upon the Petition to Confirm Arbitration Award ("Petition," ECF No. 1) and Motion to Confirm Arbitration Award¹ ("Motion," ECF No. 2) of Petitioners Laborers' Local Union Nos. 472 & 172; Laborers' Local Union Nos. 472 & 172 Welfare and Pension Funds and Safety, Education and Training Funds; and Zazzali, Fagella, Nowak, Kleinbaum and Friedman, P.A. ("Petitioners"). Tradewinds Construction, Inc. ("Tradewinds" or "Respondent") did not respond.

The Court finds that the submissions in support of the Petition and Motion contain discrepancies with respect to the address of Tradewinds. The signature page to the Collective Bargaining Agreement provides that Tradewinds is located at: 173 Amboy Road, Morganville, NJ 07751. (ECF No. 1-1 at 14.)² The Certificate of Service filed in support of the Petition, however, states that Petitioners served the Petition and Motion papers on Respondent at 2 Hance Avenue, Tinton Falls, NJ 07725³, via first-class and certified mail. (Aff. of Edward O'Hare 2,

¹ The "Motion" consists solely of Petitioners' "Notice of Motion" and does not contain supporting documents. Petitioners filed the supporting documents with the Petition.

² As certain pages appear to be out of order, the Court references the ECF page number located at the top of the document.

³ It appears that the zip code for 2 Hance Avenue, Tinton Falls, NJ is 07724, not 07725. USPS Zip Code by Address, <http://tools.usps.com/zipcodelookup/byaddress> (last visited May 8, 2018).

ECF No. 1-4.) In addition, the underlying August 31, 2017 Arbitration Award and Order provides that “the Employer . . . failed to appear after due notice[.]” (Arb. Award & Order 1, ECF No. 1-1.) The Arbitration Award and Order, however, does not include any specific service information, including Respondent’s address.

Based on the foregoing, the Court finds good cause to deny Petitioners’ Motion, without prejudice, pending submission of proof of service of the Petition and Motion upon Respondent. Accordingly,

IT IS on this 9th day of May 2018, **ORDERED** that:

1. Petitioners’ Motion to Confirm Arbitration Award (ECF No. 2) is denied without prejudice.
2. By **May 25, 2018**, Petitioners shall file a Certification that accounts for the discrepancies between Respondent’s addresses. In addition, Petitioners shall attach proof of service on Respondent.⁴



MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE

⁴ Petitioners should attach a copy of the returned certified receipt card to their Certification. Otherwise, Petitioners’ Certification should set forth sufficient facts from which the Court can determine that Respondent was properly served with the Petition and Motion.